

BOARD OF SELECTMEN
MINUTES
DECEMBER 18, 2007

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7:30 p.m. in the Selectmen's Room.

Present were Virginia McIntyre, Chair; Anne D. Shapiro; Margaret B. Briggs; Gregory P. Howes; and Philip Benincasa, Clerk. Also present was Christopher Whelan, Town Manager.

CONSENT AGENDA:

- Town Accountant's Warrants
- Gift Acceptance Rob and Robyn Waldeck \$5,000 to the Selectmen's Annual Appeal

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the Consent Agenda.

Ms. McIntyre noted that the Board has received a delicious fruit gift from the Scimone Family.

TOWN MANAGER'S REPORT:

1. Building Commissioner John Minty has discussed potential changes to zoning and sign by-laws with the Agriculture Committee that might help to promote local agriculture.
2. The Town Manager has signed an agreement with T-Mobile that permits the company to apply for a Zoning Board of Appeals permit to install a wireless facility in a wooded section of the parking area on the northwest corner of 135 Keyes Road, the Public Works site approved by 2005 Town Meeting. A balloon test on January 4th will show the approximate 85-foot height of the proposed tower. There will be no external antennas. The monopole will be able to accommodate two co-locators. The revenue for the first carrier will be \$25,000 per year with annual escalators through a 25-year lease term.
3. CPW will accept Christmas trees at the compost and recycling facility at the former landfill site on January 5th, 6th, 12th, and 13th. CPW will offer free Styrofoam recycling at the facility during the same period. This is being partially underwritten by a donation to the Selectmen's Annual Appeal. Christmas tree lights may also be disposed of at the same time.
4. Gov.-Elect Deval Patrick's transition team has studied local aid issues and recommended full funding of payment in lieu of taxes (PILOT) from the State to the STAR communities. Currently funding is at the 65% level.
5. Planning Director Marcia Rasmussen, Recreation Director Danner DeStephano, and Jeff Adams of the Planning Board met with representatives of Conant Crossing at Rideout Field to discuss a proposal to create a walkway through Rideout playground to connect the development with West Concord center. This will make the playground more handicapped accessible as well. The details of location, surface, and whether it is all-season have not been determined. The Natural Resources Administrator will review the area for wetlands and determine whether a public hearing is required. A \$10,000 contribution for such a walkway is part of the Zoning Board of Appeals Special Permit conditions.
6. Twelve architects have responded to the Willard School Designer RFP. The Committee will review proposals and select proposers to interview. Daedalus was selected as the Owner's Project Manager. The firm submitted an attractive financial proposal that fit within the project budget. Town Treasurer Tony Logalbo crafted the contract using MSBA model contract requirements. The draft contract has been reviewed by Town Counsel and has been sent to Daedalus for execution.
7. The Town has submitted a Purchase and Sale Agreement for the Strawberry Hill Road land but has not heard a response from the buyer at this time. Mr. Howes will meet with the Strawberry Hill Road Review Panel to keep the neighborhood informed.

CHANGE OF MANAGER 99 RESTAURANT-PUB

Upon a motion duly made and Seconded, the Board UNANIMOUSLY

Consent Agenda

Town Manager's
Report

Change of Manager

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VOTED: To Open the Hearing.

Nicholas Galeota was present to seek approval of a Change of Manager at the 99 Restaurant. The previous Manager of Record is no longer employed at the site. The Board reviewed the packet of information that included a record of Mr. Galeota's experience in the alcohol business, an acceptable CORI Check and sign-off by appropriate Town Staff. Ms. McIntyre gave Mr. Galeota a memo that outlines the expectations of the Town for a Manager of Record. Upon a motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve Nicholas Galeota as Manager of Record at 99 Restaurants of Boston, LLC at 13 Commonwealth Avenue. The Manager must be engaged in the actual management of the Licensed Premises as his main occupation and must be present on the Licensed premises for not less than thirty (30) hours per week during the hours when Alcoholic Beverages are sold.

COMMITTEE LIAISON REPORTS

Mr. Howes noted receipt of inquiries about the Board's playing fields vote. Ms. Shapiro had stated that she would not vote for the proposal until she had information about Lexington fields. Residents were asking whether answers to her questions had been provided so that she could vote positively.

The Board has received the requested information regarding the size of Lexington artificial turf fields from a member of the playing fields group. However, Ms. Shapiro would like an official reply from the Lexington Recreation Department to the Town Manager that identifies the size of the field on which two under-12s soccer games could be played simultaneously.

Ms. Briggs reported that the Senior Tax Relief Committee met. Terry Rothermel was elected Chair; there has been one resignation and Ms. Briggs will nominate an individual to replace that member. The Committee has quite a number of ideas to focus on in the coming months.

Ms. Shapiro reported that CCTV has met and is working to improve programming. A new Manager was hired and CCTV looks forward to making upgrades to the system. Another staff member will be hired to improve training and programming. The fiber-optic cable that was laid to the schools is leased by the School Department from the Municipal Light Plant. It is believed that the Light Plant can make bandwidth available for broadcasting School Committee meetings.

Mr. Benincasa stated that the Agriculture Committee will begin discussions with other boards regarding mapping the drainage ditches that have existed in Town. The Committee intends to ask CCTV to broadcast the availability of local produce in season. In January, the Committee will propose that 2007 be the year of shopping locally.

Ms. McIntyre noted that the School Committee had a hearing on the Adult Education program. The MSBA has asked for clarification of a matter on the Statement of Interest. The Carlisle Finance Committee levy limit guideline for the regional high school does not match the Concord levy limit guideline. It is \$56,000 less. The Chairs will discuss this at upcoming meetings. The School Committee voted its FY08 Budget within the levy limit. Savings have been accomplished due to declining middle school and elementary school enrollments.

Ms. McIntyre reported that the Finance Committee will begin to discuss debt projections in January. She will make enrollment materials available to the Board.

CHANGE OF MANAGER LA PROVENCE

Upon a motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: To Open the Hearing.

Liaison Reports

Change of Manager

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Attorney Linda Butterworth-Till accompanied Samuela M. Eckstut to seek approval for a Change of Manager of Record at La Provence. The former Manager of Record is no longer employed at the facility. Ms. Eckstut, pending return of a satisfactory CORI check, intends to act as the Manager of Record until her husband, Robert Didier, the owner of La Provence, is able to hire a satisfactory manager. The Board reviewed the packet of information provided. Ms. Eckstut is aware of the Town's requirements for the Manager of Record.

Upon a motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to approve Samuela M. Eckstut as Manager of Record at La Provence 105-107 Thoreau Street pending receipt of an acceptable CORI Report. The Manager must be engaged in the actual management of the Licensed Premises as her main occupation and must be present on the Licensed premises for not less than thirty (30) hours per week during the hours when Alcoholic Beverages are sold.

CORRESPONDENCE

Ms. McIntyre noted receipt of correspondence regarding the lack of fiber optic cable in Concord. Verizon has been telling customers that the Town is limiting its ability to provide Fios service. Neither the Town nor its Light Plant is preventing the service. It was the consensus of the Board to invite Verizon to appear at a Board meeting to discuss this. In the meantime, the Town Manager will reply to the letter writer.

The Board was copied and will acknowledge communications to the Board of Assessors.

POLICE CHIEF RE: ROUTE 2 SAFETY AND ENFORCEMENT ISSUES

Police Chief Len Wetherbee was present to update the Board concerning recent concerns and questions regarding Route 2. He reported on recent tragic collisions, local enforcement activities, and strategies to reduce collisions.

Chief Wetherbee shared a graph of accident statistics and enforcement activity on local streets and on Route 2 in the past three years. The Department makes an effort to match traffic enforcement to the perceived need. Some of the worst accidents occurred on local streets.

Strategies to reduce collisions are focused on a program of education, enforcement, and engineering. Using this system, the Town has had success in reducing collisions on local streets.

The Chief stated that Route 2 is a ten-mile corridor through Acton, Concord, and Lincoln. The Towns work together, with the State Police and Mass Highway, to address the behavior of motorists traveling through. Signalized intersections are reviewed for light timing, sequence, and signage. The Towns are requesting signage from Mass Highway that indicates intensive traffic control to alert and prepare motorists.

Ms. Briggs reported that this was not discussed at a recent Corridor Advisory Committee meeting. She would like to bring this to the Committee's attention as the funding for Route 2 safety improvements to Crosby's Corner will be delayed. Safety signage becomes even more important in this context.

Chief Wetherbee noted that all traffic patrols include Route 2. Time devoted to Route 2 is time that is not spent on enforcement on local streets. The State Police work with the towns and are also seeking additional resources. There is no possibility for increased State Police patrols; the barracks are not heavily staffed and are directed to Routes 495 and 128.

The Chief noted that there is a range of causes of serious Route 2 accidents. The jersey barriers have reduced the number of inclement weather accidents. The engineering component of the enforcement strategy on Route 2 is not in the control of the Towns. However, the Towns

Correspondence

Police chief

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are unified in their approach to Mass Highway. Important goals are to increase the red time in both directions to bring all traffic to a stop before the signal turns green; increased signage; pavement markings, and additional jersey barriers, now that it is clear that Crosby Corner improvements are delayed.

The Board thanked Chief Wetherbee for the report and department efforts to improve safety.

COMMON VICTUALLER LICENSE RENEWAL - STARBUCKS

Mr. Howes reported that due to the requirements of Chapter 268A S23 b3 he would recuse himself from this deliberation because of a business interest.

Mr. Benincasa summarized the problem he sees with the Starbucks establishment. In his opinion, the location is extremely ill-advised leading to increased safety risks for both patrons and residents. There is a daily conflict of pedestrian and vehicular traffic, trucks parking, and automobiles making illegal left turns. He will vote against the license as a symbolic act to send a message to the management of the establishment to seek a safer venue.

Police Chief Wetherbee noted that 99% of customers obey the law, but the "arrogant 1%" tie up traffic and create safety issues in all directions. His department has had discussions with the establishment about this issue. He stated that it would be helpful if management were more proactive about educating their patrons to parking and traffic concerns.

Chief Wetherbee noted that traffic enforcement cameras may be permitted by a local bylaw and that he would provide the information to the Town Manager.

Ms. Shapiro suggested that language regarding education of patrons should be included in the conditions of the re-licensing this year. Chief Wetherbee agreed to assist.

Ms. McIntyre stated that she would be reluctant to vote against the re-licensing this year, but that licensing should probably not occur next year if there has not been substantial improvement in cooperation with the Police Department, signage, and delivery schedule. In addition, corporate headquarters should be notified of the Town's expectation that local management will work cooperatively to resolve the problems.

Upon a Motion duly made and Seconded, the Board

VOTED: to approve the Common Victualler License for Starbuck's and further to ask the Town Manager and the Chief of Police to draft certain conditions with regard to 1) traffic management; 2) signage within the shop directing customers not to turn left when they leave the shop; 3) to identify appropriate loading times and locations, which do not include Thoreau Street; 4) and in the conditions signal to the establishment that the license is not guaranteed next year if there is not significant improvement. Aye-3; No-0; Abstain-1(Benincasa); Recuse-1(Howes)

TRAMMELL CROW LETTER TO MASSACHUSETTS HOUSING FINANCING AGENCY

Ms. McIntyre noted the request for the Board to provide a letter to the Massachusetts Housing Financing Agency regarding site eligibility for a potential 40B housing development in West Concord. The proposal will exceed the large project cap for a community of Concord's size. The letter does not pre-approve the proposal, but acknowledges that the Board has been asked for permission to apply.

Common Victualler
License

MA Housing Finance
Agency

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Ian Gillespie of Walden Street was present with Tim O'Connor of Trammel Crow Residential to discuss the housing development with the Board. The proposed development would be on a thirty-acre site off Sudbury Road in West Concord at the junction of Sudbury, Acton, Maynard, and Concord. Under the 40B program the developer could apply for 250 units of rental housing, but with the letter from the Board, the developer could apply for up to 350 units which would satisfy the Town's needs for affordable 40B housing for several years.

Tim O'Connor stated that Trammel Crow is a highly ranked multi-family housing developer located in Needham. He stated that the proposed letter does not constitute an approval of a plan and neither does it commit or obligate the developer to a project of 350 units. Mr. O'Connor stated that the developer would go through the local zoning process with the Zoning Board of Appeals. There would be site plan review and comment period.

Board discussion included: 1) the 10% requirement has been a burden in the planning efforts of the Town; 2) land suitable for 40B development is valuable and out of reach for acquisition by the Town; 3) Concord policy is for scatter site affordable housing; 4) this project would allow the Town to take control of its planning goals; 5) the Town will reach its 40B responsibility with 315 rental units even if only 25% are affordable; 6) a 350-unit development could include up to 35 owner-occupied units and create different housing types to appeal to different populations interested in smaller market rate housing; 7) only 25% of owner-occupied units will count towards 40B; 8) 350 units will give maximum flexibility; 9) the 2010 census will adjust 40B responsibilities based on population; 10) Board could send the letter capping the development at 315 units; 11) the project will not connect to Town sewer, but have an on-site treatment plant discharging to groundwater;

12) there are no wetlands affected by the development; 13) the site is a flat field that is a former radar-testing range; 14) a minimal number of trees will need to be cut down; 15) the units will generally be one or two bedrooms; 16) the impact on public schools will be minimal; 17) there will be a full fiscal impact analysis of the potential development; 18) Trammel Crow will create a process for addressing neighborhood and community issues that will include a web site and hiring a public relations firm to act as a clearinghouse for the information; 19) the development will also impact neighboring towns, particularly in traffic and economic benefits; 20) the Town should communicate with neighboring towns immediately to explain its purpose in issuing the Mass Housing letter.

Mr. O'Connor stated that Trammell Crow anticipates filing with Mass Housing within a few days. After a 30-day comment period and within 60 to 90 days, that agency will decide whether the site is eligible. During this period the developer will continue its due diligence and neighborhood meetings. Once there is a decision, the company will apply for a comprehensive permit with the Zoning Board of Appeals.

Once the ZBA hearing process is complete, it could be a month before construction begins. Construction will likely take 24 or 25 months. Leasing could begin in the summer of 2008.

Mr. Whelan reported that he had notified the neighboring towns of the development and Concord's goal of controlling its destiny. He stated that while this development would satisfy Concord's current 40B responsibility, he estimated that 700 units had been added to housing stock in the past decade, which would increase the Town's obligation for affordable housing by an additional 70 units.

Sudbury residents who abut the site were present to learn more about the project, particularly traffic and landscaping. Tim O'Connor stated that the Trammel Crow will be meeting with the Sudbury, Maynard, and Acton neighbors.

Upon a motion duly made and seconded, the Board UNANIMOUSLY

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VOTED: to authorize the Chair to sign and transmit the letter to Massachusetts Housing Finance Agency substantially as drafted.

DISCUSS ADULT AND COMMUNITY EDUCATION

Ms. McIntyre stated that the School Committee had held a well-attended Hearing to take comment from the community on the Adult Education program. The School Committee is very supportive of the value of the program. However, the School Committee has been slowly reducing support for the program in the Regional High School Budget. Since 2003, the School Committee has required the program to be self-sufficient. The School Committee suggested that the elected Town Boards of the two towns hold a joint meeting to discuss funding the program.

A joint meeting at the end of January is scheduled to discuss the high school renovations planning. This topic could be appended.

There was lengthy discussion on the history of the program, including: 1) the numbers of classes and students who benefit; 2) 2.5 full time staff run the program well; 3) the program has been school-based in Concord although other communities have other models; 4) the program should continue with financial support under the auspices of the regional high school; 5) the cost of the program should be borne by the Town Operating Budget; 6) the cost should be shared between the Town and Schools; 7) fewer people could participate if fees were raised; 8) Carlisle should be asked to contribute to the program as well; 9) there was disappointment that the School Committee had not consulted with the Adult and Community Education Board; 10) revolving fund money can support the program at this time; 11) the program could be funded by Town Meeting in a separate Warrant Article in the same way as Minuteman Vocational High School. It was agreed that this is an issue that the Boards can address and resolve going forward without a task force.

TOWN TRANSPORTATION

The Town received a request from a resident, who is not a senior, to use the Council on Aging bus. Asst. Town Manager Doug Meagher distributed a memo that outlined the variety of transportation opportunities available to residents. He will post this information on the Town web site as well and provide it to the Housing Authority.

Mr. Meagher reported that he discussed with the Community Service Coordinator the possibility of a voucher or taxi-on-call program for those without their own transport and who are income-eligible. Funds could come from Hugh Cargill Trust funds, the Silent fund, or the Selectmen's Appeal. In addition, a sliding scale of fees could be explored. Further work will be done.

DISCUSS TIMING OF ELECTION ON HIGH SCHOOL CAPITAL NEEDS

The School Committee has notified the Board that \$1,245,000 of capital needs at the regional high school must be funded. If this is put on a Special Election ballot after Town Meeting, it would be the only matter on the ballot and the election would cost approximately \$8,000. On the other hand, it could be a Question on the Town Election ballot in March, before Town Meeting has deliberated.

Michael Fitzgerald, School Committee member from Carlisle, stated that local elections in Carlisle traditionally occur after Town Meeting and include both town officers and override questions. Town Meeting is an opportunity for information gathering before going to the polls.

Discussion included: a ballot question at the local election in March was sensible and cost-effective; there is no advantage to the timing of the election other than cost savings; a disadvantage to the election a week after Town Meeting is that the ballot has been printed and cannot respond to amendments at Town Meeting;

Adult and Community
Education

Town Transportation

Election on high
school capital needs

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there is generally a larger turnout for elections for Town Officers than for single issue override elections; this discussion arises each year, perhaps Concord should explore scheduling the election for Town Officers after Town Meeting.

The Board agreed to return to this discussion at a later date.

MISCELLANEOUS:

1. Mr. Benincasa reported that craftsmen have begun the restorations of the Barrett Farm-house. Save Our Heritage has gotten a federal grant to fund the work and the Community Preservation Committee has recommended funding as well.
2. Town Engineer John Woodsmall has resigned to go to the Town of Southboro. Asst. Building Commissioner John Kelly has also resigned. The Board acknowledged their valuable service to Concord.

TOWN MANAGER APPOINTMENT

On a motion duly made and seconded, it was UNANIMOUSLY:

VOTED: To approve the Town Manager's appointment of Robert Menger of 111 Carr Road to the Board of Assessors to fill an unexpired term to expire May 31, 2008.

COMMITTEE NOMINATIONS:

Ms. Shapiro nominated John Boynton IV, of 12 Elm Street to the Economic Development Council, term to expire May 31, 2009.

Ms. Briggs nominated Joan Walsh of 45 Isaac Davis Road to the Senior Tax Relief Committee for an unexpired term ending May 31, 2007

COMMITTEE APPOINTMENTS:

On a motion duly made and seconded, it was UNANIMOUSLY:

VOTED: To appoint Judith Walpole, of 58 Allen Farm Lane to the Personnel Board, term to expire May 31, 2009.

COMMITTEE RE-APPOINTMENTS

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to Re-appoint Susan Rettberg of 103 Revolutionary Road and Sally Lanagan of 196 Musterfield Road to the Historic Districts Committee for terms to expire January 1, 2012.

ADJOURNMENT

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session and to conclude business for the evening.

Anne D. Shapiro	Aye
Virginia McIntyre	Aye
Philip H. Benincasa	Aye
Gregory P. Howes	Aye
Margaret B. Briggs	Aye

The meeting adjourned to Executive Session at 10:30 p.m.

Respectfully submitted,

Philip H. Benincasa, Clerk

Miscellaneous

Town Manager
Appointment

Committee Nomina-
tion

Appointment

Re-Appointments

Adjourn